

**REMARKS**

In response to the Office Action dated August 25, 2004, Applicant thanks the Examiner for considering the references listed in the Information Disclosure Statement dated August 23, 2002. In addition, Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for indicating that the priority documents have been received by the U.S. Patent and Trademark Office.

With respect to initial matters, Applicant has amended claim 15 as suggested by the examiner to address the Examiner's objection.

Claims 1, 5 and 9 have been cancelled without prejudice or disclaimer. Therefore, the rejection of these claims is now moot. Additionally, claims 2, 6 and 10 have been amended to recite the limitations of the respective base claims 1, 5 and 9 (now canceled).

Claims 2, 6 and 10 were rejected under § 103(a) as being unpatentable over Rahman (U.S. Patent No. 6,101,379) and Kukkohovi (U.S. Patent No. 6,119,003). These claims recite, among other things, that the response signals indicate the traffic congestion level for each of the communication networks. The amount of communications traffic handled by a mobile communication network can change significantly over time and with respect to different locations. Therefore, a mobile user with a dual-mode cellular phone can switch from a second generation mobile network to a third generation mobile network when the user encounters traffic congestion with the second generation network when the user is traveling in an area which is served by both networks. Accordingly, the recited response signal which indicates the traffic

congestion level for each communication network represents a significant benefit to a mobile user with a dual-mode cellular phone.

Neither Rahman nor Kukkohovi disclose, suggest or address the recited response signals. Kukkohovi's broadcast signal, while initiated by an increase in traffic congestion, does not itself indicate traffic congestion. (Col.5:22-24 & 33-39). Therefore, claims 2, 6 and 10 are patentable over Rahman and Kukkohovi.

Claims 3-4, 7-8 and 11-12 depend from claims 2, 6 and 10, respectively. Therefore, these claims are patentable at least for the same reasons as set out above with respect to claims 2, 6 and 10.

The Examiner has rejected claims 13-15 under § 103(a) as being unpatentable over Bender (U.S. 2002/0132622), in view of Rahman. The Examiner alleges that Rahman discloses all of the elements recited in claims 13-15 except the sending of a handover request signal to each of a plurality of wireless networks and receiving a response signal from each wireless network wherein the response signal indicates a traffic congestion level. Bender, however, fails to supply the elements missing from Rahman.

Bender's base station controller sends a soft handoff request only to an admission control subsystem. (0016). Unlike the handover operation recited in claims 13-15, Bender's various networks do not receive the handoff request. As such, these networks do not, and cannot, respond with traffic congestion information, as recited in claims 13-15.

Even if Bender did disclose these elements, there is no motivation for the alleged combination. Rahman relates to a registration system. Bender addresses the centralized control of inter-system soft handoffs. As such, Bender's handoff control with respect to a very different centralized control system would not be an advantage as claimed by the Examiner. Moreover, the Examiner has not cited any portion of these references for the required motivation to combine. Applicant, therefore, submits that the asserted combination of Rahman and Bender is improper.

Claim 16 is rejected under § 102(e) as being anticipated by Bender. However, Bender fails to disclose receiving a connection request from a user terminal, sending a request signal to a traffic management center if the connection request encounters traffic congestion or sending a rerouting message to the user terminal for identifying a less congested communication network.

Bender addresses an inter-system soft handoff request made by a base station controller when the base station controller receives a pilot strength measurement report from a subscriber unit and determines from this report that the base station is part of a second cellular telephone system. (0016). The connection request is not made from the user terminal, as recited in claim 16. Instead, the soft handoff request in Bender is made only to an admission control subsystem by the base station controller and is not initiated because of traffic congestion. (0016)

Instead, the soft handoff request is initiated when the base station controller determines that the base station is part of a second cellular network. Therefore, Bender cannot anticipate claim 16. For at least these same reasons, and because Kukkohovi does not supply the elements missing from Bender, claim 17 is patentable.

Claim 18 stands rejected under § 102(e) as being anticipated by Kukkohovi. However, Kukkohovi fails to disclose sending a request signal from a first communications network to a traffic management center when traffic congestion is encountered in a first communications network upon receipt of a connection request from a user terminal and receiving a rerouting signal from the center, as recited in claim 18.

Kukkohovi describes a system operator sending a cell broadcast message to system users when a given network is congested. (Col. 5:22-24 & 33-39). A particular user terminal 10 may then be instructed to use a less congested network. (Col. 5:36-39). The decision to move a user terminal to a less congested network is made by Kukkohovi's system operator. (Col.5:33-36). Further, this instructing is carried out in a broadcast mode and not in response to a specific request, as recited in claim 18. As such, Kukkohovi cannot anticipate claim 18. Dependant claim 19 is also patentable for at least this same reason.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/058,960

Q68321

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Eric P. Halber  
Registration No. 46,378

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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Date: January 14, 2005